

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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JAMAL BRIAN HICKLEN,

Case No. 2:16-cy-02346-GMN-PAL

Plaintiff.

v.

US GOVERNMENT LAW ENFORCEMENT AGENTS,

Defendants.

REPORT OF FINDINGS AND RECOMMENDATION

This matter is before the court on Plaintiff Jamal Brian Hicklen's failure to comply with the court's Order (ECF No. 3). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Mr. Hicklen submitted initiating documents (ECF No. 1) that appeared to seek some form of relief from this court for monetary damages against the Las Vegas Metropolitan Police Department. However, his initiating documents did not include a proposed complaint, and he did not submit an application to proceed *in forma pauperis* ("IFP") or remit the \$400 filing fee. On July 13, 2017, the court entered an Order (ECF No. 3) directing the Clerk of the Court to mail Hicklen a blank IFP application and form complaint. The court allowed him to file an IFP application or pay the \$400 filing fee on or before August 11, 2017. *Id.* Mr. Hicklen was further ordered to submit a proposed complaint by the same date. The Order warned him that (1) a failure to file an IFP application or pay the filing fee, or (2) a failure to file a complaint would result in a recommendation to the district judge that this case be dismissed.

To date, Hicklen has not filed an IFP application or complaint, paid the filing fee, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

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IT IS RECOMMENDED that:

- 1. This action be DISMISSED without prejudice to Plaintiff Jamal Brian Hicklen's ability to commence a new action in which he submits a complaint and either pays the appropriate filing fee in full or submits a completed application to proceed *in forma pauperis*.
- 2. The Clerk of the Court be instructed to close this case and enter judgment accordingly. Dated this 1st day of September, 2017.

PEGGY A. LEEN

UNITED STATES MAGISTRATE JUDGE

NOTICE

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. See Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations of shall file and serve specific written objections, together with points and authorities in support of those objections, within 14 days of the date of service. See also 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. See Martinez v. Ylst, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.